



130-122

GP2507

Our Reference: MLO-144-C

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: William P. Schmidt and Franklin D. Hutchinson

Serial Number: **#4** 08/341,665

Filing Date: November 17, 1994

Group Art Unit/Examiner: 2507/Unknown

Title: OVAL ELLIPTICAL MIRROR

Hon. Commissioner of Patents and Trademarks  
Washington, D.C. 20231

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GROUP 2500

PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER MPEP SECTION 708.02, VIII

Applicants hereby petition to make special this new application, which has not received any examination by the Examiner. This application is a divisional application of co-pending U.S. Patent Application Serial No. 07/942,294.

All claims in this case are directed to a single invention. If the Patent Office determines that all claims presented are not directed to a single invention, Applicants will make an election without traverse as a prerequisite to the grant of special status.

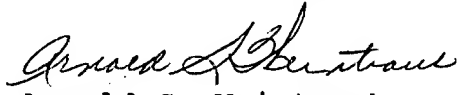
A search has been made by a patent examiner in the parent case in the following fields of search:

Class 350, Subclasses 293, 631; Class 359, subclasses 838, 603 and 868.

As determined by the Examiner in the parent case, of which the claims under consideration herein are a species thereof, there is submitted herewith a copy of these references deemed most closely related to the subject matter encompassed by the claims, as set forth on the accompanying Form PTO 1449 and Information Disclosure Statement.

The fee for this petition, as set forth in 37 CFR 1.17(i)(2), is paid for by the attached check for \$130.00. Please charge any deficiency or credit any overpayment to Deposit Account No. 23-0820.

Respectfully submitted,

  
Arnold S. Weintraub  
Attorney for Applicants  
Registration No. 25523  
(810) 258-5590

WEINTRAUB, DuROSS & BRADY  
30200 Telegraph Road, Suite 444  
Bingham Farms, MI 48025

Dated: February 3, 1995



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DECLARATION OF FACTS IN SUPPORT OF PETITION TO  
MAKE SPECIAL BECAUSE OF ACTUAL INFRINGEMENT (MPEP 708.02)

I, William P. Schmidt, of Rockwood, Michigan, am a co-inventor of the above-identified invention, and hereby declare the following:

1. Upon information and belief, there is an actual infringement of the present invention as disclosed and claimed in the above-identified application.

2. Subsequent to filing the parent application, U.S. Patent Application Serial Number 07/942,294 filed on September 9, 1992, I discovered an oval elliptical mirror being sold by the Rosco Corporation.

3. I acquired the Rosco oval elliptical mirror and inspected it and turned it over to my attorney.

I hereby declare that all statements made herein of my knowledge are true, and that all statements made on information

and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: 2-3-98



William P. Schmidt



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DECLARATION BY ATTORNEY IN SUPPORT OF PETITION TO MAKE  
SPECIAL BECAUSE OF ACTUAL INFRINGEMENT (MPEP 708.02)

I, Kenneth L. Stein, Registration No. 38625, having as my office address 30200 Telegraph Road, Suite 444, Bingham Farms, Michigan 48025, and my office telephone number being (810) 258-5590, am an attorney of record for the Applicants in this case and make the following declarations:

1. I have made a rigid comparison of the alleged infringing product, based upon a sample thereof which was purchased by Applicants, with the claims of this application.

2. That, in my opinion, the claims in this application are infringed.

3. I have filed concurrently with this declaration all such potentially material art to the Examiner as known to the Applicants in a respective Information Disclosure Statement.

4. I believe that all claims in this application are allowable.

5. I have enclosed a set of photos of the infringing product.

6. I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or anyu patent issuing thereon.

Feb 17, 1995

Date

Kenneth L. Stein

Kenneth L. Stein